SECTION .1100 - GENERAL PERMIT PROCEDURE

15A NCAC 07J .1101 PURPOSE

The purpose of this Section is to establish a procedure for issuing general permits for development having insignificant impacts on areas of environmental concern and which should not require public review and comment. These Rules are established according to G.S. 113A-118.1 and G.S. 113-229(C)(1) and will apply to projects requiring either Dredge and Fill and/or CAMA Major or Minor development permits. The CRC may, after following the procedures set forth in these Rules, issue general permits for certain catagories of development which require Dredge and Fill and/or CAMA Major or Minor development permits. After a general permit is issued, individual activities falling within these categories may be further authorized by the procedures set forth in these Rules.

History Note: Authority G.S. 113A-107; 113A-118.1; 113-229(c1);

Eff. September 1, 1983;

Amended Eff. December 1, 1991.

15A NCAC 07J .1102 CATEGORIES OF DEVELOPMENT

The Commission shall include as candidates for general permits only those activities that are substantially similar in nature that cause only minimal adverse environmental impacts when performed separately, and that will have only a minimal adverse cumulative effect on the environment. In identifying these categories, the Commission shall consider:

- (1) the size of the development;
- (2) the impact of the development on areas of environmental concern;
- (3) how often the class of development is carried out;
- (4) the need for on-site oversight of the development; and
- (5) the need for public review and comment on individual development projects.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983.

15A NCAC 07J .1103 DESIGNATION PROCEDURES

The staff shall prepare all information needed to establish each category of general permit. This may include a generic description of the development, anticipated cumulative impacts, projected number of individual projects, and permit histories. The staff shall prepare a draft permit to include a clear and accurate description of the development to be authorized, implementation or processing procedures, general conditions, and special conditions. The draft permit shall be reviewed and issued according to provisions in in G.S. 113A-107.

Recommendations for consideration of specific activities for inclusion in a general permit category may be made in writing to the Commission by any individual, organization, or agency. The Commission will assign the request to the staff for evaluation according to the procedures of this Rule within 90 days of its receipt.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983.

15A NCAC 07J .1104 PERMIT MODIFICATION

The Commission may modify at any time any category of general permit. Modification shall be made according to the provisions of G.S. 113A-107. The Commission may also revoke any general permit at any time according to the provisions of G.S. 113A-107 if it is determined that the permit is no longer in the public interest.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983.

15A NCAC 07J .1105 APPLICATION PROCEDURES

Authorization to initiate development covered by the general permit shall comply with the procedures outlined in each permit. The procedures shall be established to explain in detail the application process, notification requirements, and permit fees. Individual developments carried out under the provisions of general permits shall not be subject to the mandatory notice provisions of G.S. 113A-119.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983.

15A NCAC 07J .1106 PERMIT CONDITIONS

Each general permit shall have a set of general and specific conditions. Additionally, the implementing authority may add appropriate special conditions to each instrument of authorization if necessary to protect the public interest. The issuing authority may, on a case-by-case basis, override the general permit and require an individual application and review if this individual review is deemed to be in the public interest. Provisions for individual review by state agencies of requests for general permit authorization may be made for each category if this review is deemed necessary to protect coastal resources or other aspects of public interest.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983.

15A NCAC 07J .1107 PERMIT COMPLIANCE

All development authorized through the general permit must be done in compliance with all general, specific and special conditions. Development undertaken without proper authorization or in violation of permit conditions and/or failure to comply with operational permit conditions shall be a violation subject to the penalties set out in G.S. 113A-126 and/or G.S. 113-229.

History Note: Authority G.S. 113A-107; 113A-118.1; 113A-124(c)(5); 113-229(c)(1);

Eff. September 1, 1983; Amended Eff. March 1, 1985.

15A NCAC 07J .1108 GENERAL PERMIT REVIEW

The Commission shall review each category of general permit on an annual basis. This review shall include compilation and evaluation of the number of projects approved in each category and the impacts of these projects. The Commission may modify or revoke any permit subject to this review according to the provisions of Rule .1104 of this Section. A written summary of this review shall be sent to each state and federal agency included in the normal permit review process.

History Note: Authority G.S. 113A-107; 113A-118.1; 113-229(c1);

Eff. September 1, 1983;

Amended Eff. December 1, 1991.